

REMARKS

Claims 1-20 are pending in this application.

Claims 9-10 and 17-18 are objected to.

Claims 1-8, 11-16 and 19-20 are rejected.

The office action dated July 21, 2004 indicates that claims 1, 11 and 19 are rejected under 35 USC §102(e) as being anticipated by Manduca U.S. Patent No. 6,329,819. The office action also indicates that claims 2-8, 12-16 and 20 are rejected under 35 USC §103 as being unpatentable over Manduca in view of others.

Attached is a Rule 131 Declaration, which removes the Manduca patent as a '102(e) reference. The Declaration includes an internal HP technical report which is dated September 1999. Support for claims 1, 11 and 19 is provided in section 3.3 of the technical report. The technical report establishes a date of conception prior to the '102(e) date of Manduca (the cover page of the Manduca patent indicates a '102(e) date of October 16, 2000).

The Rule 131 Declaration also includes an invention disclosure, which was submitted to HP legal on August 7, 2000. The invention disclosure makes reference to the technical report as HPL-1999-114.

The invention disclosure and the technical report indicate that the invention of claims 1, 11 and 19 was actually reduced to practice in September of 1999. Thus, the inventions of claims 1, 11 and 19 were actually reduced to practice prior to the 102(e) date of the Manduca patent.

Diligence was exercised between the conception of the invention of claims 1, 11 and 19 and a constructive reduction to practice (the filing of the application). The invention disclosure was submitted to the legal department of Hewlett-Packard, and an application was filed less than a year after the invention disclosure was submitted.

Because Manduca is no longer a '102(e) reference, the '102(e) and '103 rejections should be withdrawn. Accordingly, claims 1-20 should be allowed over the other documents made of record. The Rule 131 Declaration also removes Manduca's corresponding PCT publication (published on Oct. 21, 1999) as a '102(a) reference.

Claim 19 has been amended to recite "memory" instead of "computer memory" and claims 21- 27 have been added to the application. These new claims depend from claim 19.

Claims 28-30 have also been added to the application.

The office action objects to claims 9 and 17 for not defining certain variables. The undersigned is not aware of any requirement for the claims to define variables, provided that the specification provides antecedent basis for the variables. Since the variables of claims 9 and 17 are defined in the specification, the objections to claims 9 and 17 should be withdrawn.

Withdrawal of the rejections is respectfully requested. The examiner is invited to contact the undersigned to discuss any issues that might remain.

U.S.S.N. 09/912,278

A Form PTO 1 449 is attached. The Form PTO-1449 cites U.S. Patent Publication No. 2001/0043754A1, which applicant believes might be material to the examination of this application and for which there might be a duty to disclose in accordance with 37 CFR 1.56. It is requested that this publication be made of record in this application

This supplemental information disclosure statement is submitted under 37 CFR 1.97 (c) together with a \$18 0.0 0 fee under 37 CFR 1.17(p). Authorization to charge the fee is provided in the transmittal letter.